

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ELLEN MARGARET ARMANN BINGHAM,
as Administratrix of the Estate of Kenneth Bingham,

Plaintiff,

**AFFIRMATION OF
MICHAEL SUSSMAN**

16-cv-6829W (EAW)

-v-

J. RYNKEWICZ, CORRECTIONAL OFFICER

Defendant.

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MICHAEL H. SUSSMAN, an attorney admitted to practice law in this district and in good standing to do so, hereby states and deposes:

1. I am a 1978 Honors Graduate of Harvard Law School and have practiced civil rights law for more than 40 years, primarily in the United States District Court for the Southern District of New York. I agreed to represent plaintiff Bingham and continued to represent his Estate in this matter after his death. The case raises a claim of constitutionally excessive force by defendant against Mr. Bingham who was then confined at the Wende C.F.

2. Irreparable differences have developed between me and the representative of the Estate, who has accused me of various ethical breaches in letters sent to this Court. Through this correspondence, the Court is apprised of the allegations and the ill will which has developed.

3. I believe the representative's allegations are without any merit and that I have conducted myself in a matter consistent with the Civility Principles adopted by the judges of this Court in October 1998 and the Rules of Professional Responsibility.

4. However, in light of the expressed sentiment by the representative, I cannot

reasonably continue as counsel for plaintiff's estate and, therefore, I am making this motion to withdraw as its counsel.

5. Upon grant of this motion, I shall provide my litigation file to the estate representative or counsel of her choosing.

6. Should the case be settled or proceed to trial, I reserve my right to make application for reasonable attorneys fees for the legal services provided to this date pursuant to 42 U.S.C. section 1988.

WHEREFORE, this Honorable Court should grant my motion to be relieved as counsel and enter an order to this effect.



MICHAEL H. SUSSMAN

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